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10 Attorneys for Defendant
11 ConnectU LLC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 THE FACEBOOK, INC.

15 Plaintiff,

16 v.

17 CONNECTU LLC (now known as CONNECTU,
18 INC.), PACIFIC NORTHWEST SOFTWARE,
19 INC., WINSTON WILLIAMS, AND DOES 1-25,

20 Defendants.
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ADR Filed E-FILING

MAR - 9 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

ORIGINAL

CASE NO. 07 01389 RS
NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1441(b)
(FEDERAL QUESTION)



1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 PLEASE TAKE NOTICE that defendant CONNECTU, LLC ("ConnectU") hereby removes
3 to this Court the state court action described below.

4 1. The Plaintiff, Facebook, Inc. ("Facebook") brought this action in the Superior Court
5 of the State of California in and for the County of Santa Clara, entitled *The Facebook, Inc. v.*
6 *ConnectU, LLC, Cameron Winklevoss, Tyler Winklevoss, Howard Winklevoss, Divya Narendra, and*
7 *Does 1-25*, No. 105 CV 047381. An index of the pleadings from the state court action is filed
8 concurrently with this notice. The actual state court pleadings are attached to the "Index of State
9 Court Pleadings."

10 2. On February 23, 2007, Facebook filed an Amended Complaint with the state court
11 wherein it added additional counts of (1) Violation of Massachusetts General Law 93A; (2)
12 Violation of California Business and Professions Code § 17529.4; (3) Violation of California
13 Business and Professions Code § 17538.45; (4) Violation of 15 U.S.C. § 7701, et seq (the "CAN-
14 SPAM Act"); and (5) Violation of 18 U.S.C. § 1030 (the "Computer Fraud and Abuse Act" or
15 "CFAA").

16 3. This action is a civil action of which this Court has original jurisdiction under 28
17 U.S.C. § 1331, and is one which may be removed to this Court by Defendants pursuant to the
18 provisions of 28 U.S.C. § 1441(b) in that it arises under the CAN-SPAM Act, 15 U.S.C. § 7701, et
19 seq., and the CFAA, 18 U.S.C. § 1030.

20 4. This Court may exercise supplemental jurisdiction, pursuant to 28 U.S.C. § 1367,
21 over the remaining state law claims in Facebook's Amended Complaint because such claims form
22 part of the same alleged case or controversy as the claims based upon federal law.

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JURISDICTION

This court has original jurisdiction under 28 U.S.C. § 1331 based on a federal question due to Facebook's allegations of violations of 15 U.S.C. § 7701, et seq., and 18 U.S.C. § 1030. This court has supplemental jurisdiction over the remaining state law claims pursuant to 28 U.S.C. § 1367.

Dated: March 9, 2007

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 
Scott R. Mosko
Attorneys for Defendant
ConnectU, LLC